

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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THE STATE OF ARIZONA,  
*Appellee,*

*v.*

JARED EDWARDS,  
*Appellant.*

No. 2 CA-CR 2015-0275  
Filed July 25, 2016

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THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

*See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Crim. P. 31.24.*

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Appeal from the Superior Court in Pinal County  
No. CR201401007  
The Honorable Dwight P. Callahan, Judge

**AFFIRMED**

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COUNSEL

Mark Brnovich, Arizona Attorney General  
Joseph T. Maziarz, Section Chief Counsel, Phoenix  
By David A. Sullivan, Assistant Attorney General, Tucson  
*Counsel for Appellee*

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**MEMORANDUM DECISION**

Presiding Judge Howard authored the decision of the Court, in which Judge Espinosa and Judge Kelly<sup>1</sup> concurred.

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H O W A R D, Presiding Judge:

¶1 Following a jury trial, Jared Edwards was convicted of theft of a means of transportation. On appeal, Edwards argues the trial court erred by denying his motion to suppress evidence found during the search of his home because sheriff's deputies did not have sufficient grounds to justify a protective sweep and because their search exceeded the scope of his consent. He additionally argues the state failed to present sufficient evidence to allow a reasonable jury to convict him. Because we find no error, we affirm.

**Factual and Procedural Background**

¶2 We view the facts in the light most favorable to upholding the jury's verdict. *State v. Damper*, 223 Ariz. 572, n.1, 225 P.3d 1148, 1150 n.1 (App. 2010). In April 2014, Pinal County Sheriff deputies received a report that a stolen motorcycle was being stored at Edwards's home. Upon approaching the house, they saw lights on inside and heard voices. Once the deputies knocked, the lights were turned off and the voices stopped. The deputies left and forwarded the information to the "stolen vehicle task force."

¶3 Approximately two weeks later, in May, those same deputies responded to a report of domestic violence at Edwards's home. When they arrived, Edwards was outside. He told them he and his girlfriend had been fighting, but she had since left. Edwards

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<sup>1</sup>The Hon. Virginia C. Kelly, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

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then consented to the deputies' request to conduct a protective sweep. During the sweep, one of the deputies saw a partially disassembled motorcycle in the garage and, suspecting it could be the stolen motorcycle they had investigated previously, wrote down the vehicle identification number (VIN). After concluding the sweep, the deputies determined the VIN matched the stolen motorcycle.

¶4 Edwards was charged with theft of a means of transportation and conducting a chop shop. A jury convicted him of theft of means of transportation and acquitted him of conducting a chop shop. The trial court sentenced Edwards to an 11.25-year prison term. We have jurisdiction over Edwards's appeal pursuant to A.R.S. §§ 12-120.21(A)(1) and 13-4033(A)(1).

**Motion to Suppress**

¶5 Edwards argues, on two grounds, that the trial court erred in denying his motion to suppress the motorcycle's VIN found during the deputies' search of his home. We review a court's ruling on a motion to suppress for an abuse of discretion, considering only the evidence presented at the suppression hearing and viewing it in the light most favorable to affirming the court's ruling. *See State v. Stoll*, 239 Ariz. 292, ¶¶ 2, 13, 370 P.3d 1130, 1131, 1134 (App. 2016).

¶6 Edwards first contends the search of his home was an unlawful, warrantless search because the deputies had no reason to believe a protective search was necessary. Edwards, however, consented to the deputies' search of his home. Warrantless searches are permitted if conducted pursuant to voluntary consent. *State v. Guillen*, 223 Ariz. 314, ¶¶ 10-11, 223 P.3d 658, 660-61 (2010); *see also Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973) ("It is . . . well settled that one of the specifically established exceptions to the requirements of both a warrant and probable cause is a search that is conducted pursuant to consent."). Edwards does not dispute that he consented to the search, nor does he dispute the voluntariness of his consent. He has therefore waived these claims for review, and we reject this argument. *See State v. Bolton*, 182 Ariz. 290, 298, 896 P.2d 830, 838 (1995) (insufficient argument on appeal waives claim).

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¶7 Edwards next contends the “inspection of the VIN . . . of the motorcycle exceeded” the scope of his consent. The trial court, however, determined that the deputies “had probable cause to believe the motorcycle parts were stolen from the moment they were first seen during the consent search for victims,” and thus could have seized the motorcycle itself, let alone the VIN, under the plain-view exception to the warrant requirement. *See State v. Superior Court*, 136 Ariz. 78, 81, 664 P.2d 228, 231 (App. 1983) (standard for seizure under plain view doctrine is probable cause). The court noted that although it was reasonable for the deputies to record the VIN and check for a match before seeking a warrant to seize the motorcycle, that step ultimately was unnecessary and immaterial to its conclusion.

¶8 Edwards has not challenged the deputies’ decision to check the garage during their protective sweep or the trial court’s conclusion that the deputies had probable cause to seize the motorcycle based on the plain view doctrine, even if they had not checked the VIN first. Because he has not developed any argument pertaining to the court’s actual ruling in this case, he has waived any challenge to it. *See Bolton*, 182 Ariz. at 298, 896 P.2d at 838; *see also Michael J. v. Ariz. Dep’t of Econ. Sec.*, 196 Ariz. 246, ¶ 13, 995 P.2d 682, 685 (2000) (affirming court’s finding when not challenged on appeal).

**Sufficiency of the Evidence**

¶9 Edwards lastly argues the trial court erred in denying his motion for a judgment of acquittal made pursuant to Rule 20, Ariz. R. Crim. P., because the state did not present sufficient evidence to support the jury’s verdict for theft of means of transportation. Specifically, Edwards contends the state failed to present evidence showing he knew or had reason to know the motorcycle was stolen.

¶10 We review de novo whether sufficient evidence supports a conviction. *State v. Mwandishi*, 229 Ariz. 570, ¶ 6, 278 P.3d 912, 913 (App. 2012). “[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution,

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any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *State v. Mathers*, 165 Ariz. 64, 66, 796 P.2d 866, 868 (1990), quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979) (emphasis omitted).

¶11 As relevant here, a person commits theft of a means of transportation if that person, “without lawful authority . . . [c]ontrols another person’s means of transportation knowing or having reason to know that the property is stolen.” A.R.S. § 13-1814(A)(5). “Proof of possession of property recently stolen, unless satisfactorily explained, may give rise to an inference that the person in possession of the property was aware of the risk that it had been stolen or in some way participated in its theft.” A.R.S. §§ 13-2305, 13-1814(B).

¶12 The evidence adduced at trial shows that the victim’s motorcycle was stolen on April 18, 2014 and, while it was missing, the victim possessed its only set of keys. Edwards was seen riding a motorcycle matching the description of the missing motorcycle within days after it was stolen, and it was seen at his house during that time. The deputies who found the motorcycle in Edwards’s garage noticed it had been partially disassembled and some of the parts had the original blue paint covered by “flat black” spray paint. And when arrested, Edwards had “a blackish oily stain” on his hands. From this evidence, a jury reasonably could conclude beyond a reasonable doubt that Edwards knew or had reason to know the motorcycle was stolen while he controlled it. *See Mathers*, 165 Ariz. at 66, 796 P.2d at 868.

¶13 Edwards points to a deputy’s testimony that Edwards claimed a friend was using his garage to store the motorcycle. But the jury is tasked with weighing conflicting evidence, and we will not reweigh that evidence on appeal. *See State v. Buccheri–Bianca*, 233 Ariz. 324, ¶ 38, 312 P.3d 123, 133 (App. 2013). Because sufficient evidence supported the jury’s verdict, the trial court did not err in denying Edwards’s Rule 20 motion. *See Mwandishi*, 229 Ariz. 570, ¶ 11, 278 P.3d at 914.

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**Disposition**

¶14 For the foregoing reasons, we affirm Edwards's conviction and sentence.